

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

GREGORY ALLEN LAIRD §
Plaintiff, §
§
V. § Civil Action No. 4:21-cv-00010
§
HOWARD KEITH ROSVALL and §
ATS SPECIALIZED, INC. §
Defendants. §

NOTICE OF REMOVAL

TO THE HONORABLE COURT:

COME NOW Defendants Howard Keith Rosvall and ATS Specialized, Inc., and file their Notice of Removal, and would respectfully show unto the Court as follows:

I.
PROCEDURAL HISTORY

1. Plaintiff filed suit in Cause No. CV36602, in the 266th Judicial District Court of Erath County, Texas on or about December 8, 2020. Defendants Howard Keith Rosvall and ATS Specialized, Inc. were served on or about December 9, 2020. Defendants filed a timely answer on December 23, 2020.

3. Defendants Howard Keith Rosvall and ATS Specialized, Inc. have filed this Notice of Removal within the time period required by 28 U.S.C. § 1446(b).

II.
NATURE OF THE SUIT

4. Plaintiff alleges that on or about July 21, 2019, he sustained damages as a result of a motor vehicle accident that occurred in Erath County, Texas.

5. According to Plaintiff's Original Petition, Plaintiff is a citizen of the State of Texas who resides in Burnet County, Texas. *See* Plaintiff's Original Petition, paragraph 2.

6. At all relevant times, Defendant Howard Keith Rosvall was a citizen of the State of Utah, with a domicile at 5734 S. 2325 West, Roy, Weber County, Utah 84067. *See* Plaintiff's Original Petition, paragraph 3.

7. At all relevant times, Defendant ATS Specialized, Inc. was a company with its only principal place of business in the State of Minnesota. *See* Exhibit A, Fuller Affidavit.

8. Defendant ATS Specialized, Inc. is a company incorporated under the laws of the State of Minnesota. *See* Exhibit A, Fuller Affidavit.

III.
BASIS FOR REMOVAL

9. Removal is proper because there is complete diversity of citizenship between Plaintiff and Defendants.

10. Plaintiff is an individual who resides in Burnet County, Texas. *See* Plaintiffs' Original Petition, paragraph 2.

11. Defendant Howard Keith Rosvall is an individual who at the time the lawsuit was filed, and at the time of the Defendants' Notice of Removal, was domiciled in Weber County, Utah. At all relevant times, Defendant Howard Keith Rosvall established his citizenship and residence in the State of Utah where he currently lives.

12. Defendant ATS Specialized Inc. is a company incorporated under the laws of the State of Minnesota, whose principal place of business has at all relevant times been maintained in the State of Minnesota and whose citizenship is in the State of Minnesota.

13. As conveyed in Plaintiff's Original Petition, the amount in controversy exceeds \$75,000.00, exclusive of interests, costs, and attorneys' fees. *See* Plaintiffs' Original Petition, paragraph 21.

IV.
VENUE AND JURISDICTION

14. Venue for this removal is proper in this district under 28 U.S.C. § 1441(a) because this district and division embrace the place in which the removed action has been pending.

15. This Court has jurisdiction of this action by virtue of the provisions of 28 U.S.C. § 1332 in that this is a case of diversity of citizenship between the parties with the amount in controversy exceeding \$75,000.00, exclusive of interest and costs.

V.
DEFENDANTS' NOTICE OF REMOVAL
IS PROCEDURALLY CORRECT

16. Defendants have attached to this notice all process, pleadings and orders filed in the state court action as required by 28 U.S.C. §1446(a). (See **Exhibit B**, Index of Matters Being Filed)

VI.
JURY DEMAND

17. Plaintiff made a demand for a jury trial in State District Court. Defendants also made a demand for a jury trial in State District Court.

VII.
NOTICE TO STATE COURT

18. Defendants will promptly file a copy of this Notice of Removal with the Clerk of the State Court in which this action is pending.

Respectfully submitted,

CASTAGNA SCOTT, L.L.P.
1120 S. Capital of Texas Highway
Building 2, Suite 270
Austin, Texas 78746
512/329-3290
888/255-0132 fax

By: /s/ Lynn S. Castagna
Lynn S. Castagna
State Bar No. 03980520
Lynn@texasdefense.com
Chuck Shiver
State Bar No. 00792832
Chuck@texasdefense.com

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following person(s), in the manner(s) indicated below:

VIA E-MAIL

Jon B. Olson
The Law Offices of Thomas J. Henry
521 Starr Street
Corpus Christi, Texas 78401

and in accordance with the Federal Rules of Civil Procedure, on the 5th day of January, 2021.

/s/ Lynn S. Castagna
Lynn S. Castagna